

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-32 and 51-59 are pending, with claims 1, 14-15, 27-32 and 51-59 amended, claims 51-59 added, and claims 34-50 cancelled without prejudice or disclaimer by the present amendment. Claims 1, 14, 27 and 58 are independent.

In the Official Action, claims 1-18, 20-34 and 34-42 were rejected under 35 U.S.C. § 102(b) as being anticipated by Glanders-Pehrson (MNG (Multiple-image Network Graphics) Format Version 1.0; XP-002459653; available at <http://www.libpng.org/pub/mng/spec>); and claims 19 and 35 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Glanders-Pehrson and Official Notice.

In the Advisory Action of March 5, 2009, claim 33 was identified as missing. Indeed, Applicant's originally filed claims were misnumbered. New claims 51-59 correspond to originally filed claims 34-42, albeit further amended to more clearly describe and distinctly claim Applicant's invention and/or to maintain antecedent support.

Claims 1, 14, 27 and 58 (formerly claim 41) are amended to more clearly describe and distinctly claim Applicant's invention. Claims 51-57 (formerly claims 27-40) are further amended for antecedent support and to avoid an unintentional interpretation under 35 U.S.C. § 112, sixth paragraph. Claim 15 is amended to correct dependency. Claim 57 (formerly claim 40) is further amended to correct the claim-type in the preamble. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

Briefly recapitulating, amended claim 1 is directed to

A method for reproducing animation data using an enhanced navigation engine of an interactive recording medium player, the method comprising:

receiving, *in the enhanced navigation engine of the interactive recording medium player*, first graphic information comprising control data and animation data associated with audio/video (A/V) data read from a first source;

extracting from the first graphic information *by the enhanced navigation engine*, second and third graphic information;

decoding the second and third graphic information *by the enhanced navigation engine* into first and second image data, respectively; and

reproducing at least one of the first and second image data *by the enhanced navigation engine* in the form of animated images, based on the control data.

Claims 14, 27 and 58 also recite features associated with an enhanced navigation engine of an interactive recording medium player. A non-limiting example of an interactive recording medium player is an interactive digital versatile disc (I-DVD) player

Glanders-Pehrson describes MNG (Multiple-image Network Graphics) Format Version 1.0. However, Glanders-Pehrson does not disclose or suggest an enhanced navigation engine of an interactive recording medium player, as recited in independent claims 1, 14, 27 and 58. As noted in Applicant's specification, A/V data (including navigation data) recorded on the interactive recording medium player (e.g., I-DVD) is reproduced according to the user's interactive request.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as

complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Glanders-Pehrson does not disclose or suggest all of the features recited in claims 1, 14, 27 and 58, Glanders-Pehrson does not anticipate the invention recited in claims 1, 14, 27 and 58, and all claims depending therefrom.

Furthermore, Glanders-Pehrson describes MNG (Multiple-image Network Graphics) Format Version 1.0. Applicant notes that the term “MNG” in Glanders-Pehrson refers to Multiple-image Network Graphics, and does not refer to Multimedia Network Graphics as recited in Applicant’s claims 5, 8, 12-15, 20-22, 29-30, 53-54 (formerly claims 36-38) and 58-59 (formerly claims 41-42). There is no mention of multimedia graphics in Glanders-Pehrson. The MNG format of Glanders-Pehrson is related to a different standard/format than Applicant’s claimed MNG. Thus, contrary to the Official Action, Glanders-Pehrson does not anticipate Applicant’s claims 5, 8, 12-15, 20-22, 29-30, 53-54 (formerly claims 36-38) and 58-59 (formerly claims 41-42), and all claims depending therefrom.

Applicant also traverses the rejections of claims 19 and 52 (formerly claim 35) in view of Official Notice. As noted in the Official Action, none of the cited references discloses or suggests any interactive interactive recording medium, let alone Applicant’s claimed first source as an interactive recording medium.¹ The Examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being “well-known” in the art.¹ However, as set forth in M.P.E.P. § 2144.03, if an applicant traverses an assertion made by an Examiner while taking official notice, the Examiner should cite a reference in support of their assertion. Applicant respectfully traverses those grounds for rejection relying on

¹ *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970)

Official Notice. Applicant does not consider the features for which Official Notice were taken to be “of such notorious character that official notice can be taken.”

As the cited art does not disclose or suggest at least the above-noted features of independent claims 1, 14, 27 and 58, Applicant submits the inventions defined by claims 1, 14, 27 and 58, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.²

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

² MPEP § 2142 “...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations.


Application No. 10/680,972
Reply to Office Action of October 21, 2008 and
Notice of Non-Compliant Amendment dated March 5, 2009

Docket No.: 1630-0406PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

Dated: **March 25, 2009**

Respectfully submitted,

By 
Esther H. Chong
Registration No.: 40,953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant